

NEWS FROM ED MARKEY

United States Congress

Massachusetts Seventh District

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BLOWING THE WHISTLE AS AN NRC CONTRACTOR IS WHISTLING IN THE WIND

Rep. Markey challenges NRC's weak whistleblower protections

WASHINGTON, DC - Representative Edward Markey (D-MA), a senior Member of the Energy and Commerce Committee and the Select Committee on Homeland Security today released a letter to Nils Diaz, Chairman of the Nuclear Regulatory Commission (NRC), asking why justice has been delayed for two NRC contract employees who were fired after revealing information about criminal wrongdoing by NRC employees, while one employee who admitted to criminal wrongdoing in the case reportedly is back on the job.

"These contractor employees blew the whistle on several NRC employees for selling counterfeit satellite television access cards at work," said Rep. Markey. "Instead of a reward, they lost their jobs. Now one of the convicted employees reportedly is back at work at the NRC, while the whistleblowers are still being denied compensation because they were contractors instead of full-time NRC employees."

In February 2001 the U.S. Secret Service and the NRC's Office of the Inspector General raided the Nuclear Regulatory Commission's Region IV offices in Arlington, Texas after whistleblowers tipped them off to criminal activity. The raid led to the arrest and conviction of three NRC employees on charges of making and selling counterfeit satellite television access cards. After the investigation, several of the whistleblowers were fired, some at the direct request of the exposed NRC employees. Whistleblower suits filed by the fired workers have been dismissed by the NRC on the grounds that they were contract employees, and thus are not protected by Federal whistleblower laws. One of the employees who admitted criminal wrongdoing was allowed by the NRC to retire rather than being fired. His retirement has since been revoked, returning him to work at the NRC.

While working to resolve the individual cases, the House adopted language sponsored by Rep. Markey in H.R. 6, the Energy Bill, to give NRC employees, contractors and subcontractors the same level of whistleblower protection as NRC licensee employees. This language, Section 14033, also affords whistleblowers the option to seek remedy in civil court if their case is not ruled on in a timely manner. The contractor language has been retained in the draft conference report, and Rep. Markey continues to press for adoption of House language extending stronger whistleblower protections to NRC and DOE employees.

Rep. Markey concluded, "This case underscores the need for the type of new whistleblower protections we are trying to enact into law. I think it's time for the Congress to protect those individuals who come forward to protect us from waste, fraud, mismanagement or abuse, often at great risk to their careers."

Additional information is available at Rep. Markey's website, <http://www.house.gov/markey>.